

Fill in this information to identify the case:

Debtor 1 Ian S. Kerr

Debtor 2 Heather A. Kerr  
(Spouse, if filing)

United States Bankruptcy Court for the: Eastern District of Michigan  
(State)

Case number 13-51561-mbm

Form 4100R AMENDED

**Response to Notice of Final Cure Payment**

10/15

According to Bankruptcy Rule 3002.1(g), the creditor responds to the trustee's notice of final cure payment.

**Part 1: Mortgage Information**

Name of creditor: U.S. Bank Trust National Association, as Trustee of Cabana Series III Trust Court claim no. (if known): 3

Last 4 digits of any number you use to identify the debtor's account: 4 7 0 0

Property address: 893 Keaton Drive  
Number Street

Troy, MI 48098  
City State ZIP Code

**Part 2: Prepetition Default Payments**

Check one:

- ☒ Creditor agrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim.
- ☐ Creditor disagrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim. Creditor asserts that the total prepetition amount remaining unpaid as of the date of this response is: \$ \_\_\_\_\_

**Part 3: Postpetition Mortgage Payment**

Check one:

- ☒ Creditor states that the debtor(s) are current with all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

The next postpetition payment from the debtor(s) is due on: 03 / 01 / 2019  
MM / DD / YYYY

- ☐ Creditor states that the debtor(s) are not current on all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

Creditor asserts that the total amount remaining unpaid as of the date of this response is:

- a. Total postpetition ongoing payments due: (a) \$ \_\_\_\_\_
- b. Total fees, charges, expenses, escrow, and costs outstanding: + (b) \$ \_\_\_\_\_
- c. **Total.** Add lines a and b. (c) \$ \_\_\_\_\_

Creditor asserts that the debtor(s) are contractually obligated for the postpetition payment(s) that first became due on:

MM / DD / YYYY

Debtor 1

Ian S. Kerr

First Name

Middle Name

Last Name

Case number (if known) 13-51561-mbm

**Part 4: Itemized Payment History**

If the creditor disagrees in Part 2 that the prepetition arrearage has been paid in full or states in Part 3 that the debtor(s) are not current with all postpetition payments, including all fees, charges, expenses, escrow, and costs, the creditor must attach an itemized payment history disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- ☐ all payments received;
- ☐ all fees, costs, escrow, and expenses assessed to the mortgage; and
- ☐ all amounts the creditor contends remain unpaid.

**Part 5: Sign Here**

**The person completing this response must sign it. The response must be filed as a supplement to the creditor's proof of claim.**

Check the appropriate box::

- ☐ I am the creditor.
- ☒ I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this response is true and correct to the best of my knowledge, information, and reasonable belief.**

Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this response applies.

**X** /s/ Michelle Ghidotti

Signature

Date 2 / 27 / 2019

Print

Michelle Ghidotti

First Name

Middle Name

Last Name

Title

Authorized Agent for Creditor

Company

Ghidotti | Berger LLP

If different from the notice address listed on the proof of claim to which this response applies:

Address

1920 Old Tustin Ave.

Number

Street

Santa Ana, CA 92705

City

State

ZIP Code

Contact phone

(949) 427 - 2010

Email

mghidotti@ghidottiberger.com

1 Michelle R. Ghidotti-Gonsalves (SBN 232837)

2 Kristin A. Zilberstein (SBN 47798)

3 **GHIDOTTI|BERGER LLP**

4 1920 Old Tustin Ave.

5 Santa Ana, CA 92705

6 Ph: (949) 427-2010

7 Fax: (949) 427-2732

8 mghidotti@ghidottiberger.com

9 Authorized Agent for Creditor

10 U.S. Bank Trust National Association, as Trustee of Cabana Series III Trust

11 **UNITED STATES BANKRUPTCY COURT**

12 **EASTERN DISTRICT OF MICHIGAN – DETROIT DIVISION**

13 In Re: ) CASE NO.: 13-51561-mbm  
14 )  
15 **IAN S. KERR and HEATHER A. KERR,** ) CHAPTER 13  
16 )  
17 Debtors. ) **CERTIFICATE OF SERVICE**  
18 )  
19 )  
20 )  
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23 )  
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27 )  
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29 **CERTIFICATE OF SERVICE**

30 I am employed in the County of Orange, State of California. I am over the age of  
31 eighteen and not a party to the within action. My business address is: 1920 Old Tustin Ave.,  
32 Santa Ana, CA 92705.

33 I am readily familiar with the business's practice for collection and processing of  
34 correspondence for mailing with the United States Postal Service; such correspondence would  
35 be deposited with the United States Postal Service the same day of deposit in the ordinary  
36 course of business.  
37  
38

On February 27, 2019 I served the following documents described as:

- AMENDED RESPONSE TO NOTICE OF FINAL CURE PAYMENT**

on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

(Via United States Mail)

**Debtor**

Ian S. Kerr  
893 Keaton Drive  
Troy, MI 48098

**Trustee**

David Wm Ruskin  
26555 Evergreen Rd Ste 1100  
Southfield, MI 48076-4251

**Joint Debtor**

**Heather A. Kerr**  
893 Keaton Drive  
Troy, MI 48098

**Debtors' Counsel**

Stuart A. Gold  
Gold, Lange & Majoros PC  
24901 Northwestern Hwy.  
Suite 444  
Southfield, MI 48075

xx (By First Class Mail) At my business address, I placed such envelope for deposit with the United States Postal Service by placing them for collection and mailing on that date following ordinary business practices.

\_\_\_\_ Via Electronic Mail pursuant to the requirements of the Local Bankruptcy Rules of the Eastern District of California

xx (Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 27, 2019, at Santa Ana, California

/s/ Steven P. Swartzell  
Steven P. Swartzell